

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 017344-0290

RECEIVED

NOV 01 1999



In re Patent Application of
Kunihiko WAKABAYASHI

Serial No. 09/233,475 Group Art Unit: 2742

Filed: January 20, 1999 Examiner: Unassigned

For: VOICE MAIL APPARATUS AND METHOD OF PROCESSING
 VOICE MAIL

**COMBINED CERTIFICATION and
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56 and 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed before the mailing date of a first Office action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office action on the merits has been mailed before the filing of the instant Information Disclosure Statement, a certification or fee is required. Applicant provides a certification below in lieu of the fee. If either the first or second scenarios are not the case, such as in a third scenario in which either a final Office Action has been mailed out by the PTO or a notice of allowance has been mailed out by the PTO, then applicant petitions to have the instant IDS considered, and also the PTO is authorized to obtain the necessary petition fee under 37 C.F.R. § 1.17(i) to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO-1449 was cited as being relevant during the prosecution of the corresponding Japanese application. English-language counterparts of foreign-language documents have been provided where readily available. The absence of a translation or an English-language counterpart document

Serial No. 09/233,475

does not relieve the PTO from its duty to consider any submitted document (37 C.F.R. § 1.98 and M.P.E.P. § 609).

The Japanese examiner cited as relevant reference A3 for its alleged disclosure that, in addition to storing voice mail and e-mail, the telephone number and name of the mail sender is recorded (page 9, table 3) and that multiple recipients are stored in memory for each mail sender (page 5, table 1). References A2 and A5 were cited for their alleged disclosure of responding to a sender by means of a digital reply letter or digitized response voice. The remaining references were cited as background art.

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialled copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,

October 28, 1999
Date


Reg. No. 41514
David A. Blumenthal
Reg. No. 26,257

FOLEY & LARDNER
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5109
Tel: (202) 672-5300